

REMARKS

Applicants courteously solicit the Examiner's favorable reconsideration, followed by allowance upon entry of this Amendment.

Applicants have amended claim 1, amended claim 4, canceled claims 8 and 9, amended claim 10, amended claim 13, canceled claims 15-17, and added new claims 18 and 19. The amendments find basis in the original specification, including the original claims. Applicants believe the amendments avoid new matter.

Applicants respectfully traverse the rejection of claims 1-7 under 35 U.S.C. §103(a) "over Schilling (61627480 [sic]) in view of alts (6569509) and WO 03/021096." Applicants courteously solicit the Examiner's reconsideration and withdrawal of this rejection.

As to amended claim 1, the primary reference lacks the following: (1) a carpet layer having a front-to-back flow resistance value adjusted between 100 Nsm-3 and 1000 Nsm-3 (Office Action page 2); a buffer material layer made of a material having an air wrapping property, layered on the back surface of said carpet layer, and having a front-to-back flow resistance value adjusted between 40 Nsm-3 and 800 Nsm-3 (Office Action, page 2); and, for instance, (3) a molding material of thermoplastic resin formed in a powdered or fiber state that is dispersed within the carpet layer.

Applicants respectfully note for the Examiner's convenience that the features in (3) are individually set out in amended claim 4 and in new claim 18.

As to (3), Applicants have considered the Office Action at page 3 regarding claim 4, since claims 1 and 4 have been combined in the amended claim 1, but must confess to finding no apparent support in Schilling for the statement, "Schilling et al. discloses a molding material of thermoplastic resin 20 formed in a fiber state is dispersed within said carpet layer. See referenced text above." First, there is no "referenced text above." Second, Schilling discloses the resin composition layer 20 can be in plastisol, hot melt or latex form at column 3, lines 22-23. That's not any disclosure as alleged in the Office Action. Third, Schilling discloses the resin

composition is preferably effective for “wetting, penetrating, and encapsulating at least a portion of the warp and weft yarns of the woven layer” at column 3, lines 23-25. That’s not any disclosure as alleged in the Office Action. Fourth, Schilling discloses a preferred resin composition layer is one that is effective in chemically bonding to the warp and weft yarns” at column 4, lines 18-19. That’s not any disclosure as alleged in the Office Action.

It appears that this element is also nowhere disclosed or suggested from the disclosures of either the Alts reference or WO 03/021096. The Office Action makes no assertion that either of such reference suggests element (3) as discussed above from Applicants’ amended claim 1.

As to claim 2, Applicants acknowledge the assertion about the Alts reference in the Office Action, page 3, but respectfully solicit the Examiner’s constructive input inasmuch as the Office Action cites no passage from the reference in support. If there is no specific passage in Alts, then Applicants request an Examiner’s affidavit.

Dependent claim 3 recites the floor laying material wherein joining strips made of a thermoplastic resin are discontinuously arranged on the back surface of said carpet layer, such that said carpet layer and said buffer material layer are layered through said joining strips.

As to claim 3, Applicants acknowledge the assertion about the Alts reference in the Office Action, but Applicants none-the-less respectfully traverse the rejection and submit it should be withdrawn. The Office Action states “Alts discloses the wherein joining strips 20 made of a thermoplastic resin are discontinuously arranged on the back surface of said carpet layer, such that said carpet layer 15 and said buffer layer 25 are layered through said joining strips 20. See column 3, line 62 through column 4, line 27.”

The Alts reference has no disclosure at column 3, line 62 through column 4, line 27 that supports the assertion in the Office Action. The tubular shock absorbing elements 4 are not a “molding material of thermoplastic resin formed in a powdered or fiber state that is dispersed within the carpet layer” as in Applicants’ independent claim 1. The tubular shock absorbing elements 4 in Alts are not the “joining strips made of a thermoplastic resin are discontinuously

arranged on the back surface of said carpet layer, such that said carpet layer and said buffer material layer are layered through said joining strips.”

The remaining dependent claims are patentable over these references inasmuch as their independent claim 1 would not have been obvious over the references.

Applicants respectfully traverse the rejection of claims 8-11 and 13-17 under 35 U.S.C. §103(a) over ORegan in view of Schilling. Applicants courteously solicit the Examiner’s reconsideration and withdrawal of this rejection.

The rejection is moot as to claims 8, 9, and 15-17 as such claims are canceled without prejudice and without disclaimer as to their inventions.

Remaining amended claim 10 and its dependent claims should be free of this rejection for the reasons discussed above as to Schilling. For instance, contrary to the Office Action, Schilling does not disclose discontinuously arranged joining strips made of a thermoplastic resin as discussed elsewhere in this Amendment. This element in claim 10 is also apparently not disclosed in ORegan inasmuch as the Office Action contains no such assertion.

It should be appreciated that the foregoing traverses are made without acquiescing in any other rationales urged in the Office Action as to either rejection.

Conclusion

Applicants respectfully submit that the presently pending claims are now in condition for allowance, and such Notice is courteously solicited.

If the Examiner has any questions, she is invited to contact Applicants' representative.

Applicants hereby request a one-month extension of time in which to file this Amendment. The Commissioner is hereby authorized to charge the \$130 one-month extension fee to Deposit Account No. 06-1135. The Commissioner is further authorized to charge any other required fee not intentionally omitted, including application processing, extension, extra claims fees, statutory disclaimer, issue, and publication fees, to said Deposit Account No. 06-1135 regarding our Order No. 7398/84065.

Respectfully submitted,

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